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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,907	05/30/2002	A Tino Alavie	10-454 US/PCT	9792

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TEITELBAUM & MACLEAN  
1187 BANK STREET, SUITE 201  
OTTAWA, ON K1S 3X7  
CANADA

EXAMINER

PAK, SUNG II

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/030,907

Applicant(s)

ALAVIE, A TINO

Examiner

Sung H. Pak

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 10-13, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pan et al (US 5,748,350).

Pan et al reference discloses an optical device with all the limitations set forth in the claims, including: an optical filter device for multiplexing and demultiplexing multiple wavelengths, comprising: a first waveguide ("100" Fig. 9); an optical branching means ("103" Fig. 9) optically connected to the first waveguide, at least second and third waveguides optically coupled to the optical branching means ("101", "102" Fig. 9); at least one odd/even select filter optically coupled to the optical branching means for splitting an optical signal launched into the first waveguide into its odd and even wavelength components with one of the odd and even wavelength components being transmitted along one or the at least second and third waveguides (Fig. 9); and the other of the odd/even wavelength components being transmitted through the other of the at least second and third waveguide (Fig. 9); wherein the branching means is a fiber optic circulator (Fig. 6B); wherein the odd/even filters are individual gratings (Fig. 9).

Claims 1,7-8, 14-15, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Laming (WO 99/08143).

Laming reference discloses an optical device with all the limitations set forth in the claims, including: a first waveguide; an optical branching means comprising two optical couplers (Fig. 4) optically connected to the first waveguide, at least second and third waveguides optically coupled to the optical branching means (Fig. 4); at least one odd/even select filter optically coupled to the optical branching means for splitting an optical signal launched into the first waveguide into its odd and even wavelength components with one of the odd and even wavelength components being transmitted along one or the at least second and third waveguides (Fig 4); and the other of the odd/even wavelength components being transmitted through the other of the at least second and third waveguide (Fig. 4); wherein the branching means is a fiber optic circulator (Fig. 4); wherein the odd/even wavelength filters are individual gratings (Fig. 4).

Claims 1, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander et al (WO 99/13607).

Alexander et al reference discloses an optical device with all the limitations set forth in the claims, including: a first waveguide; an optical branching means (Fig. 9) optically connected to the first waveguide, at least second and third waveguides optically coupled to the optical branching means (Fig. 9); at least one odd/even select filter optically coupled to the optical branching means for splitting an optical signal launched

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into the first waveguide into its odd and even wavelength components with one of the odd and even wavelength components being transmitted along one or the at least second and third waveguides (Fig. 9); and the other of the odd/even wavelength components being transmitted through the other of the at least second and third waveguide (Fig. 9); wherein said filter device is a first three port filter device, including n-1 total three port filter devices optically coupled in a cascaded series where n is the number of wavelengths in the signal (Fig. 9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pan et al (US 5,748,350).

Pan et al reference discloses an optical device with all the limitations set forth in the claims as discussed above, except it does not explicitly teach the use of a fiber optic isolator. However, fiber optic isolator is well known and commonly used in a fiber optic communications device. Such an isolator is advantageously used to prevent back reflected light from entering the optical source. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Pan et al device to have a fiber optic isolator.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-4880. The examiner can normally be reached on Monday - Thursday : 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Sung H. Pak  
Examiner  
Art Unit 2874

sp

